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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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38516 7590 09/14/2004  
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EXAMINER

CHU, GABRIEL L

ART UNIT PAPER NUMBER

2114

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/084,484	Applicant(s) KIRKPATRICK ET AL.	
	Examiner Gabriel L. Chu	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-39 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-28 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 6, 8, 12, and 24 are objected to because of the following informalities:

Referring to claim 6, "the modified description" implies a dependency from claim 7, wherein claim 7 refers to "modify the description" and wherein claim 5 already provides for export of un/modified severity/contact list to the system monitor message database. For the purpose of examination, claim 6 is understood to depend from claim 7.

Referring to claim 8, "the non-matching notification message" is understood to refer to "a non-matching notification message", correcting for antecedence.

Referring to claim 12, "contract" is understood to refer to "contact".

Referring to claim 24, claim 23 refers to the step of exporting the modified severity, which is a step present in claim 17, which is a claim not present in the claim hierarchy inclusive of claim 24. For the purpose of examination, claim 24 is understood to depend from claim 17, and "the modified contact list" is further understood to refer to "a modified contact list".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6219648 to Jones et al.
4. Referring to claim 1, Jones et al. disclose providing communication between a monitor process software and an output file for receipt by the monitor process software of a notification message held by the output file (From line 35 of column 11, "When a new trouble ticket record is received from the parsing module, it is added by the manager module to a list of tickets to watch."); determining if the notification message is a matching notification message or a non-matching notification message by using a rule set (From line 48 of column 3, "The data may include pending customer generated trouble tickets. Moreover, the parsing module determines whether each pending customer generated trouble ticket is related to a preceding pending customer generated trouble ticket. If a relationship is determined, the parsing module does not generate a data record for the subsequent pending customer generated trouble ticket."); and producing a severity and a contact list (From line 16 of column 9, "Status, Position, Age").
5. Referring to claim 2, Jones et al. disclose the notification message is non-matching when the notification message does not match any predetermined notification messages within the monitor process message database (From line 48 of column 3, "The data may include pending customer generated trouble tickets. Moreover, the parsing module determines whether each pending customer generated trouble ticket is

related to a preceding pending customer generated trouble ticket. If a relationship is determined, the parsing module does not generate a data record for the subsequent pending customer generated trouble ticket." Further, from line 11 of column 10, "The parsing module combines the trouble tickets having the same master ticket number by simply checking if a trouble ticket has a master ticket number and if the trouble ticket has one, comparing the master ticket number to the master ticket number of the previously processed trouble ticket. If the master ticket numbers are identical, the data in the second trouble ticket is ignored.").

6. Referring to claim 3, Jones et al. disclose the notification message is intended to notify an error discovered or caused by a software application (From line 49 of column 11, "Increasing durations of non-resolution (e.g., that are detected based on the trouble ticket time duration) may be sent to higher levels of management or service personnel.").

7. Referring to claim 4, Jones et al. disclose providing a user interface for displaying the non-matching notification message, the severity, and the contact list one or more users (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort.");

and providing the one or more users the ability to modify the severity and contact list (From line 61 of column 5, "Escalation levels may be defined based on the trouble ticket remaining unresolved for a time exceeding user specified time intervals. The escalation levels also control which management level or personnel will receive the alerting message or page notification. Thus, different recipients may be alerted when different time intervals are exceeded. The escalation intervals, pager numbers, notification messages, and other parameters may be customized through user-maintained configuration files.").

8. Referring to claim 5, Jones et al. disclose providing export by the monitor process software to the system monitor message database of the modified or unmodified severity and the modified or unmodified contact list (From line 35 of column 11, "When a new trouble ticket record is received from the parsing module, it is added by the manager module to a list of tickets to watch.").

9. Referring to claim 7, Jones et al. disclose the user interface is graphical and wherein the user interface also displays a description of the non-matching notification message (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration

effort."); and the monitor process software is also providing the ability for the one or more users to modify the description (From line 61 of column 5, "Escalation levels may be defined based on the trouble ticket remaining unresolved for a time exceeding user specified time intervals. The escalation levels also control which management level or personnel will receive the alerting message or page notification. Thus, different recipients may be alerted when different time intervals are exceeded. The escalation intervals, pager numbers, notification messages, and other parameters may be customized through user-maintained configuration files.").

10. Referring to claim 6, Jones et al. disclose the monitor process software is also providing export of the modified description or the description to the system monitor message database (From line 35 of column 11, "When a new trouble ticket record is received from the parsing module, it is added by the manager module to a list of tickets to watch.").

11. Referring to claim 8, Jones et al. disclose Jones et al. disclose communicating with an output file of a software application to receive the non-matching notification message (From line 35 of column 11, "When a new trouble ticket record is received from the parsing module, it is added by the manager module to a list of tickets to watch." Further, from line 48 of column 3, "The data may include pending customer generated trouble tickets. Moreover, the parsing module determines whether each pending customer generated trouble ticket is related to a preceding pending customer generated trouble ticket. If a relationship is determined, the parsing module does not generate a data record for the subsequent pending customer generated trouble ticket."); producing



a severity level and a contact list using a rule set (From line 16 of column 9, "Status, Position, Age".); and communicating to one or more members of the contact list the severity level and the non-matching notification message (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort.").

12. Referring to claim 9, Jones et al. disclose communicating to the one or members of the contact list is performed through email (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message.").

13. Referring to claim 10, Jones et al. disclose the form of communication to the one or members of the contact list is a graphical user interface (the form of communication to the one or members of the contact list is a graphical user interface.).

14. Referring to claim 11, Jones et al. disclose displaying the non-matching notification message, the severity level, the contact list, and a description in a table in the graphical user interface (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may

be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort.”).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6219648 to Jones et al. as applied to claim 8 above, and further in view of US 6377949 to Gilmour.

17. Referring to claim 12, although Jones et al. do not specifically disclose the step of producing a severity level and a contact list using a rule set further comprises: searching text of the non-matching notification message for terms included within the rule set; and matching the terms included within the rule set with predetermined severity levels within the rule set, using terms to determine a severity level is known in the art. An example of this is shown by Gilmour, from the abstract, “A method of assigning a confidence level to a term within an electronic document, such as an e-mail, includes the step of firstly determining a quantitative indicator in the exemplary form of an occurrence value, based on the number of occurrences of a particular term within an

electronic document, and associating the occurrence term within the relevant term. Thereafter, a qualitative indicator, based on a quality of the term, is determined. For example, the qualitative indicator may be determined utilizing the parts of speech of words comprising the term. A confidence level value, which may be utilized to indicate a relative importance of the term in describing a user knowledge base, is then generated utilizing the quantitative and qualitative indicators." A person of ordinary skill in the art at the time of the invention would have been motivated to assign a severity based on matching terms because, from line 10 of column 2 of Gilmour, "As alluded to above, even once a satisfactory knowledge management information base has been established, the practical utilization thereof to achieve maximum potential benefit may be challenging. Specifically, ensuring that the captured information is readily organized, available, and accessible as appropriate throughout the organization may be problematic."

18. Referring to claim 13, Jones et al. in view of Gilmour disclose weighing the matching predetermined severity levels to produce a severity level for the non-patching notification message (From line 50 of column 15, "At step 186, a characteristic (or qualitative) indicator in the form of a term weight value is determined, based on characteristics qualities of the term such as those represented by the Type and Part of Speech indications discussed above.").

19. Claims 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6219648 to Jones et al.

20. Referring to claim 16, Jones et al. disclose communicating with an output file of a software application to import a notification message (From line 35 of column 11, "When a new trouble ticket record is received from the parsing module, it is added by the manager module to a list of tickets to watch."); comparing the notification message to a message database to determine if the notification message is a non-matching notification message (From line 48 of column 3, "The data may include pending customer generated trouble tickets. Moreover, the parsing module determines whether each pending customer generated trouble ticket is related to a preceding pending customer generated trouble ticket. If a relationship is determined, the parsing module does not generate a data record for the subsequent pending customer generated trouble ticket."); communicating the non-matching notification message and a severity to one or more persons through a graphical user interface (From line 51 of column 5, "In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort."). and modifying the severity by using input from the one or more persons (From line 61 of column 5, "Escalation levels may be defined based on the trouble ticket remaining unresolved for a time exceeding user specified time intervals. The escalation levels also control which management

level or personnel will receive the alerting message or page notification. Thus, different recipients may be alerted when different time intervals are exceeded. The escalation intervals, pager numbers, notification messages, and other parameters may be customized through user-maintained configuration files." Further, from line 11 of column 7, "According to an aspect of the invention, the trouble report information may be provided to the PUMBA application 26 by an On-line Query System (OQS) and Manager Scratch Pad (MSP) feed from the WFA host of system 10. The On-line Query system is a report system within the WFA system. The OQS system transmits data to the MSP. The MSP is a tool which allows manipulating the data received from the OQS."). Although Jones et al. do not specifically disclose the input is input into the graphical user interface, using a GUI for input is notoriously well known in the art. An example of this is shown in the Windows operating system. A person of ordinary skill in the art at the time of the invention would have been motivated to use a GUI to modify data because it enables the user to access a position in the data directly, and the use of such tools as mice and icons.

21. Referring to claim 17, Jones et al. disclose exporting the modified severity in a format compatible with a system monitor such that the system monitor message database may be updated (From line 56 of column 8, "The PUMBA parse module (e.g., "pumba\_parse") is a software tool for dissecting and processing the data received from the OQS report into individual data (ticket) records. In a preferred embodiment, the parse module of the PUMBA application 26 strips off extraneous header information in the OQS reports, and then filters incorrectly formatted data prior to transmitting the

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relevant OQS report information to the PUMBA manager module (e.g., "pumba\_mgr").").

22. Referring to claim 18, Jones et al. disclose as part of the step of exporting the modified severity in a format compatible with a system monitor such that the system monitor message database may be updated, translating a representation of the modified severity from numerical form to textual form to be compatible with the system monitor (From line 23 of column 15, "In addition, daily log files may be provided to log monitoring and alerting activity. For this purpose, daily ASCII log files may be generated which log activity of the PUMBA parse module and PUMBA manager module.").

23. Referring to claim 19, Jones et al. disclose as part of the step of exporting the modified severity in a format compatible with a system monitor such that the system monitor message database may be updated, translating a representation of the modified severity from textual form to numerical form to be compatible with the system monitor (From line 34 of column 10, "(iii) first parsing each line of the OQS report file for the service center name, then parsing for the remaining trouble ticket data; (iv) transmitting, when the prior ticket does not have the same master ticket number information, the trouble ticket data via the TCP/IP connection to the PUMBA manager module").).

24. Referring to claim 20, Jones et al. disclose the severity is determined using a rule set (From the abstract, 'An alerting system is provided for proactively ensuring

awareness of pending customer generated trouble tickets which have not been resolved for at least a predetermined time duration corresponding to an escalation level.”).

25. Referring to claim 21, Jones et al. disclose the step of communicating the non-matching notification message and a severity to one or more persons through a graphical user interface also includes communicating a description (From line 51 of column 5, “In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort.”).

26. Referring to claim 22, Jones et al. disclose the step of communicating the non-matching notification message and a severity to one or more persons through a graphical user interface also includes communicating a contact list (From line 51 of column 5, “In a preferred embodiment, the notification comprises an alphanumeric or digital page, an e-mail message, or an X-Windows terminal display message. Of course, other types of electronic messages may be also be used. The notification may contain various information, including the trouble ticket number, an escalation level, the date and time the ticket was first entered into the WFA system, the service type having trouble, customer name, current status of the ticket and the identification (e.i. initials) of the technician involved in the service restoration effort.”).

27. Referring to claim 23, Jones et al. disclose the step of modifying the severity by using input from the one or more persons input into the graphical user interface also includes modifying the contact list through input by the one or more persons into the graphical user interface (From line 18 of column 3, "Moreover, a user may define at least one recipient for each escalation level.").

28. Referring to claim 24, Jones et al. disclose the step of exporting the modified severity in a format compatible with a system monitor such that the system monitor message database may be updated also includes exporting a modified contact list (From line 56 of column 8, "The PUMBA parse module (e.g., "pumba\_parse") is a software tool for dissecting and processing the data received from the OQS report into individual data (ticket) records. In a preferred embodiment, the parse module of the PUMBA application 26 strips off extraneous header information in the OQS reports, and then filters incorrectly formatted data prior to transmitting the relevant OQS report information to the PUMBA manager module (e.g., "pumba\_mgr").").

29. Referring to claim 25, Jones et al. disclose sending an alert to one or more members of the contact list if the severity has not been modified within a time period (From the abstract, "The alerting system also includes an alerting module which sends an alert to a recipient assigned to the escalation level when the manager module determines the pending customer generated trouble ticket has not been resolved for the time duration corresponding to the escalation level.").

30. Referring to claim 26, Jones et al. disclose recording the non-matching notification message and identification of the one or more persons if the one or more



persons has not modified the severity within a second time period (From line 63 of column 3, "An alerting system is also provided for proactively ensuring awareness of pending customer generated trouble tickets which have not been resolved for at least a predetermined time corresponding to an escalation level. The time is selected by a customer service center. The alerting system includes a manager module and an alerting module. The manager module periodically monitors the pending customer generated trouble tickets to determine whether each pending customer generated trouble ticket remains unresolved for the time corresponding to the escalation level. The alerting module sends an alert to a recipient assigned to the escalation level when the manager module determines the pending customer generated trouble ticket remains unresolved for the time corresponding to the escalation level. The alerting system may also include a report generator which generates a report logging each alert sent by the alerting module." Further from line 49 of column 11, "Increasing durations of non-resolution (e.g., that are detected based on the trouble ticket time duration) may be sent to higher levels of management or service personnel.").

31. Referring to claim 27, Jones et al. disclose the contact list is determined using a rule set (From the abstract, "The alerting system also includes an alerting module which sends an alert to a recipient assigned to the escalation level when the manager module determines the pending customer generated trouble ticket has not been resolved for the time duration corresponding to the escalation level.").

32. Referring to claim 28, Jones et al. disclose a step of modifying the contact list (From line 61 of column 5, "Escalation levels may be defined based on the trouble ticket

remaining unresolved for a time exceeding user specified time intervals. The escalation levels also control which management level or personnel will receive the alerting message or page notification. Thus, different recipients may be alerted when different time intervals are exceeded. The escalation intervals, pager numbers, notification messages, and other parameters may be customized through user-maintained configuration files.").

### ***Allowable Subject Matter***

33. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Referring to claims 14 and 15, the prior art does not teach or fairly suggest matching the terms included within the rule set with predetermined contacts within the rule set.

34. Claims 29-39 allowed.

35. The following is an examiner's statement of reasons for allowance: Referring to claims 29-39, the prior art does not teach or fairly suggest a comparison module to compare the notification messages against a feedback message database corresponding to the software application to be monitored by the system monitor and an alert module configured to alert one or more users to non-matching notification messages, in the scope and context of claim 29.

### ***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5687212 to Kinser, Jr. et al.

US 5909679 to Hall

US 6026500 to Topff et al.

US 6032184 to Cogger et al.

US 6230287 to Pinard et al.

US 6298457 to Rachlin et al.

US 6671824 to Hyland et al.

US 6757850 to Lehner


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (703) 308-7298 , and after approximately October 15, 2004 will be (571) 272-3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel, Jr. can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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gc

  
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